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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,876	03/30/2004	GENFU ZHOU	12707-US-PA	2875
31561	7590	05/22/2006	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE 7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			LEYKIN, RITA	
			ART UNIT	PAPER NUMBER
			2837	
DATE MAILED: 05/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/708,876	ZHOU ET AL.
	Examiner Rita Leykin	Art Unit 2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Response to Amendment***

This office action is in response to RCE filed on 4/21/2006. Applicants' amendment and arguments against Maiocchi US # 5,397,972 have been fully considered. After additional consideration of Maiocchi prior document with respect to provided amendment, examiner disagreed. Applicant claims "under the excited predetermined initial phase, commutating to a subsequent phase, which is adjacent to the predefined initial phase in a predetermined sequence of excitation phases...". The predetermined sequence of the excitation phases well known in the art and is part of Maiocchi teaching. In three phase motors to achieve equilibrium position during start-up the predetermined initial phase is excited, (see Maiocchi abstract and Fig. 2). Maiocchi also teaches monitoring of the occurrence of a first "zero-crossing" event, and if this happens within a preset interval of time the optimal phase to be excited first for accelerating the motor in the desired direction is decoded through a look-up table and start-up process may proceed. With respect to last paragraph of claim 1, Maiocchi teaches that if zero-crossing occurrence is not detected within preset period of time the routine is repeated by exciting a different phase, which is functionally shifted by two phase positions from the initial phase.

It appears that Maiocchi teaching reads on provided claim language. That is why examiner maintains the rejection as follows.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "under the excited predetermined initial phase" in line 7. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by

Maiocchi US # 5,397,972.

Maiocchi discloses a start-up procedure for a brushless sensorless motor.

Wherein, Maiocchi teaches all the limitations of the independent claim 1, including:

- Starting of a motor having multiple windings stator and rotor, (see abstract and col. 8, lines 7-25);
- Monitoring BEMF value in the not energized floating winding;
- Detection of zero-cross during preset interval of time;

- Excitation of the subsequent phase that is shifted by two-phase intervals;
- Masking of interval time period, (see col. 7, lines 27-39);
- Maintain rotation of the rotor by supplying successive phase of the winding with current in the predetermined sequence from a group of the selected windings, (see col. 8, lines 45-68, col. 9, lines 1-38);
- Monitoring changes in the BEMF level while commutating to the subsequent phase, or second subsequent phase, according to time interval monitored, (see Fig. 3, 5 and col. 10, lines 20-68, col. 11, lines 1-11, 66-68, col. 12, lines 1-4, col. 17, lines 29-39 and col. 18, lines 11-38).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita Leykin whose telephone number is (571)272-2066. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571)272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rita Leykin  
Primary Examiner  
Art Unit 2837

R.L.

